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11 Attorneys for Appellee ZIONS  
12 BANCORPORATION, N.A., dba  
13 California Bank & Trust

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**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

In re  
EVANDER FRANK KANE,  
Debtor.

Case No. 21-50028-SLJ  
Chapter 7  
Ninth Circuit BAP No. NC-21-1167

EVANDER FRANK KANE,  
Appellant,  
v.  
ZIONS BANCORPORATION, N.A., dba  
California Bank & Trust, et al.  
Appellees.

**APPELLEE ZIONS BANCORPORATION,  
N.A.'S DESIGNATION OF ADDITIONAL  
ITEMS TO BE INCLUDED IN THE  
RECORD ON APPEAL**

Notice of Appeal Filed: 7/23/2021

1 Pursuant to Federal Rule of Bankruptcy Procedure 8009, Appellee Zions Bancorporation,  
2 N.A. ("Zions"), files this *Appellees' Designation of Additional Items to be Included in the Record*  
3 *on Appeal* regarding the Notice of Appeal (Dkt. 182) filed on July 23, 2021, by Evander Frank  
4 Kane ("Kane") in the above-captioned chapter 7 bankruptcy case and requests that the Clerk  
5 prepare and forward the items listed herein to the United States District Court<sup>1</sup> for inclusion in the  
6 record in connection with the Appeal.

7 **DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN RECORD**

8 1. Kane filed a Notice of Appeal and Statement of Election (Dkt. 182) on July 23,  
9 2021, appealing the Bankruptcy Court's *Order On Zions Bancorporation's Objection To Debtor's*  
10 *Homestead Exemption* (Dkt. 178). On August 6, 2021, Kane filed a *Statement of Issues to be*  
11 *Presented and Designation of Record on Appeal* (Dkt. 195).

12 2. Zions respectfully designates the following additional items to be included in the  
13 appellate record pursuant to Bankruptcy Rule 8009.<sup>2</sup>

No.	Date	Docket No.	Description
1.	02/23/2021	N/A	Meeting of Creditors Held and Concluded Debtor appeared. (Hjelmeset, Fred) (Entered: 02/23/2021)
2.	02/26/2021	33	Motion to Convert Case to Chapter 11 , Fee Amount \$922 Filed by Creditor Zions Bancorporation, N.A. (Attachments: # 1 Declaration # 2 Declaration) (Fletcher, Michael) (Entered: 02/26/2021)

26 <sup>1</sup> Appellee Zions has elected to proceed before the United States District Court on appeal.

27 <sup>2</sup> Unless otherwise indicated, all designated docket entries include all documents included  
28 within a particular docket entry, including both the main document and all attachments (e.g.,  
Docket No. 35 includes sub-entries 35-1, 35-2, etc.).

No.	Date	Docket No.	Description
3.	03/04/2021	42	Application to Compromise Controversy with (Motion for Authority to Convey Estate's Equity in Real Estate and Resolve Dispute Concerning Bank Accounts) Filed by Trustee Fred Hjelmeset (Attachments: # 1 Declaration of Fred Hjelmeset) (Kleiner, Gregg) (Entered: 03/04/2021)
4.	03/04/2021	43	Notice and Opportunity for Hearing on Motion for Authority to Convey Estate's Equity in Real Estate and Resolve Dispute Concerning Bank Accounts (RE: related document(s)42 Application to Compromise Controversy with (Motion for Authority to Convey Estate's Equity in Real Estate and Resolve Dispute Concerning Bank Accounts) Filed by Trustee Fred Hjelmeset (Attachments: # 1 Declaration of Fred Hjelmeset)). Filed by Trustee Fred Hjelmeset (Kleiner, Gregg) (Entered: 03/04/2021)
5.	03/25/2021	76	Objection (RE: related document(s)42 Application to Compromise Controversy). Filed by Creditor Zions Bancorporation, N.A. (Attachments: # 1 Declaration # 2 Certificate of Service) (Fletcher, Michael) (Entered: 03/25/2021)
6.	03/25/2021	77	Reply (RE: related document(s)33 Motion to Convert Case to Chapter 11). Filed by Creditor Zions Bancorporation, N.A. (Attachments: # 1 Declaration # 2 Certificate of Service) (Fletcher, Michael) (Entered: 03/25/2021)
7.	03/25/2021	78	Reply (Reply by Creditor Professional Bank in Support of the Motion by Creditor Zions Bancorporation to Convert the Case to Chapter 11 and to Appoint a Chapter 11 Trustee) (RE: related document(s)33 Motion to Convert Case to Chapter 11). Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)

No.	Date	Docket No.	Description
8.	03/25/2021	79	Objection to Homestead Exemption (Objections by Professional Bank to Debtor's claimed homestead exemption) Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)
9.	03/25/2021	80	Objection to Debtor's Claim of Exemptions (Objections by Professional Bank to Debtor's purported claimed exemption for money owed to Debtor by the San Jose Sharks) Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)
10.	03/25/2021	81	Brief/Memorandum in Opposition to (Opposition by Professional Bank to Trustee's Motion to Convey Equity in Real Property [ECF #43]) (RE: related document(s)43 Opportunity for Hearing). Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/25/2021)
11.	03/29/2021	87	Joinder (Joinder by Creditor Professional Bank in Creditor Zions Bancorporation's objection [Doc # 76] to trustee's motion for authority to convey equity [Doc # 42]) (RE: related document(s)76 Objection). Filed by Creditor Professional Bank (Opperwall, Stephen) (Entered: 03/29/2021)

## **RESERVATION OF RIGHTS**

2 Zions expressly reserves its right to amend or supplement this Designation and/or to  
3 object, or otherwise supplement or move to strike or modify, some or all of any designation filed  
4 by any other party to this appeal. This filing is made expressly subject to, and without waiver, of  
5 any and all rights, remedies, challenges, and objections.

6 | DATED: August 19, 2021

FRANDZEL ROBINS BLOOM & CSATO, L.C.  
MICHAEL GERARD FLETCHER  
GERRICK M. WARRINGTON

By: /s/ Michael Gerard Fletcher

MICHAEL GERARD FLETCHER  
Attorneys for Appellee ZIONS  
BANCORPORATION, N.A., dba  
California Bank & Trust

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**CERTIFICATE OF SERVICE**

2 I, the undersigned, declare and certify as follows:

3 I am over the age of eighteen years, not a party to the within action and employed in the  
4 County of Los Angeles, State of California. I am employed in the office of Frandzel Robins  
5 Bloom & Csato, L.C., members of the Bar of the above-entitled Court, and I made the service  
referred to below at their direction. My business address is 1000 Wilshire Boulevard, Nineteenth  
Floor, Los Angeles, CA 90017-2427.

6 On August 19, 2021, I served true copy(ies) of the:

7 **APPELLEE ZIONS BANCORPORATION, N.A.'S DESIGNATION OF  
8 ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

9 to the party(ies) on the attached service list.

10 **SEE ATTACHED SERVICE LIST**

11  **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the  
12 document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the  
13 case who are registered CM/ECF users will be served by the CM/ECF system. Participants  
in the case who are not registered CM/ECF users will be served by mail or by other means  
permitted by the court rules.

14 I declare under penalty of perjury under the laws of the State of California and the United  
15 States of America that the foregoing is true and correct.

16 Executed on August 19, 2021, at Los Angeles, California.

17 /s/ David T. Moore

18 David T. Moore  
dmoore@frandzel.com

**CERTIFICATE OF SERVICE**

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of Frandzel Robins Bloom & Csato, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

On August 19, 2021, I served true copy(ies) of the:

**APPELLEE ZIONS BANCORPORATION, N.A.'S DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

to the party(ies) on the attached service list.

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I placed the envelope for collection and mailing at Los Angeles, California. The envelope was mailed with postage fully prepaid. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on August 19, 2021, at Los Angeles, California.

/s/ Michelle Campbell  
Michelle Campbell  
mcampbell@frandzel.com

1	<b><u>SERVICE LIST</u></b>	
2	<b>(Kane v. Zions Bancorporation, N.A.) In re Evander Frank Kane</b>	
3	Stephen D. Finestone Ryan A. Witthans Finestone Hayes LLP 456 Montgomery St. 20th Fl. San Francisco, CA 94104	Attorney for Debtor / Appellant
4	Evander Frank Kane 2301 Richland Ave. San Jose, CA 95125	Debtor / Appellant
5	Gregg Steven Kleiner Rincon Law LLP 268 Bush Street, Suite 3335 San Francisco, CA 94104	Attorney for Chapter 7 Trustee
6	Marta Elena Villacorta United States Department of Justice Office of the U.S. Trustee 450 Golden Gate Avenue Suite 05-0153 San Francisco, CA 94102	Office of the U.S. Trustee
7	David B. Rao Wendy W. Smith Binder & Malter, LLP 2775 Park Avenue Santa Clara, CA 95050 Tel: 408-295-1700	Attorneys for South River Capital, LLC
8	Stephen G. Opperwall Law Offices of Stephen G. Opperwall Suite 100 4900 Hopyard Road Pleasanton, CA 94588 Tel: 925-417-0300	Attorneys for Professional Bank
9	Peter C. Califano COOPER, WHITE & COOPER LLP 17th Floor 201 California Street San Francisco, CA 94111 Tel: 415-433-1900	Attorneys for Centennial Bank
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